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## **South Florida Water Management District**

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### **GOVERNING BOARD MEETING MINUTES**

May 10, 2006

9:00 AM

USDA, U.S. Horticultural Research Laboratory  
2001 South Rock Road  
Ft. Pierce, FL 34945

#### Members Present:

**Irela Bagué, Vice-Chair**

**Miya Burt-Stewart**

**Alice Carlson**

**Michael Collins**

**Nicolás Gutiérrez**

**Lennart Lindahl**

**Kevin McCarty, Chair**

**Harkley Thornton**

**Malcolm Wade**

**1. Call to Order - Kevin McCarty, Chair, Governing Board**

Chair McCarty, called the meeting to order at 9:10 am.

**2. Pledge of Allegiance - Kevin McCarty, Chair, Governing Board**

Karen Smith, Director, Martin/St. Lucie Service Center, led the group in the Pledge of Allegiance.

Calvin Arnold, Laboratory Director, United States Department of Agriculture (USDA) welcomed District staff to the USDA facility.

**3. April Employee of the Month**

Carol Wehle, Executive Director, recognized the April Employee of the month, Marcie Daniel, Acting Budget Manager.

**4. Approval of Minutes from the last month's Governing Board Meeting**

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 4

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**5. Agenda Addendum**

Garrett Wallace, Director, read into the record the agenda addendums. A copy was made available to the public.

**6. Abstentions by Board Members from items on the Agenda**

Mr. Gutierrez announced his abstention on Item 15, Page 13, No 2, Port Mayaca Yacht Club.

Mr. Wade announced his abstentions from Item 15, Page 13, No 2, Port Mayaca Yacht Club; Item 15, Page 32, Seminole Tribe Work Plans; Item 24, Page 4, Florida Power and Light MOU.

Mr. Lindahl announced his abstention from Item 32, Page 6, settlement agreement.

Alice Carlson announced her abstentions from Item 15, Page 5, No 5, Fiddler's Creek; Item 15, Page 11, No 5, Moody River Estates Basin 2; Item 15, Page 12, No 9, Paseo.

**7. Pull Items for Discussion from Governing Board Meeting Agenda**

No items were pulled for discussion.

**8. Public Comment on Consent Agenda**

Public Comment: Michael Christensen, Jupiter, FL, provided comment on the FPL power plant site certification (Item 15, Page 31, No 1).

Public Comment: Alex Larsen, Loxahatchee, FL, provided comment on the FPL power plant site certification (Item 15, Page 31, No 1).

Public Comment: Stanley Hess, Boca Raton, FL, provided comment on the South County Regional Park Permit.

Scott Burns, Director, Water Supply Policy Implementation, provided information on the South County Regional Park Water Use permit (051021-10) in Palm Beach County.

Public Comment: Antonia Barnes, Palm City, FL, provided comment on the Tusawilla Environmental Permit (040218-10) in Martin County.

Robert Brown, Department Director, provided information on this permit.

Mr. Lindahl provided information on controlled discharges into Bessie Creek.

Public Comment: Rosa Durando representing the Audubon Society, Lake Worth, provided comment regarding FPL certifications.

Note:

Scott Burns to follow up with additional information to Stanley Hess regarding the South County Regional Park Permit.

**9. Finance Committee Recommendations - Harkley Thornton, Chair**

Mr. Thornton reported on the activities and recommendations of the Finance Committee meeting held on May 3, 2006.

**10. Audit Committee Recommendations - Alice Carlson, Chair**

Ms. Carlson reported on the Audit Committee meeting on May 3, 2006. Ms. Carlson reported on the Fiscal Year 2005 Financial Audit results done by Sharpton, Brunson & Company.

There were no material weaknesses noted in the internal control systems. There were no matters of noncompliance noted pursuant to OMB A-133 or Florida's Single Audit Act. There were no significant audit adjustments recorded. There were no disagreements encountered with management during this audit.

Ms. Carlson reported on the overview of GASB 45 and how it will impact the District.

The Inspector General brought back to the Committee the approved Scope of Work regarding the Acceler8 contract approved at the April Governing Board meeting.

Ms. Carlson reported on the audit of FY2005 Fourth Quarter Annual Work Plan Success Indicators.

The Committee would like to recommend that the Governing Board accept the Annual Financial Audit ended September 30, 2005 and accept the audit of FY2005 Fourth Quarter Annual Work Plan Success Indicators.

Motion made by Nicolás Gutiérrez, seconded by Michael Collins to Approve the following item(s): 10

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**11. Human Resources and Outreach Committee Recommendations - Irela Bague, Chair**

Ms. Bague reported on the Human Resources and Outreach Committee on May 3, 2006.

Ms. Bague provided information on changing the name of the Human Resources and Outreach Committee to the Employee and Communications Committee.

The Quarterly meetings will now become bi-monthly and they will be held on campus.

The Humans Resources Department name will be changed to the Human Resource Solutions Department.

Humberto Alonso, Department Director, had presented information to the Committee on the Right of Way Communications update and the Right of Way Education Campaign.

Justin Ausanio, Risk/Insurance Manager, had presented information to the Committee on a proposal for providing a subsidy to SFWMD retirees for their insurance needs.

Sharon Trost, Director, had provided information on cell phone options.

Chair McCarty said he doesn't want to vote on any name change of any of the committees until the full Board talks about it.

Chair McCarty said the fiscal impact on the insurance coverage should be referred to the Finance and Audit Committees. Chair McCarty requested those items be deferred to the June Governing Board.

**12. Land Resources and Construction Committee Recommendations - Lennart Lindahl, Chair**

Mr. Lindahl reported on the activities of the Land Resources and Construction Committee at the meeting held on May 3, 2006. He listed the current agenda items that were recommended for approval by the full Governing Board.

**13. Board Comment on Consent Agenda**

No Board comment on the Consent Agenda.

**Executive Office**

**93. 2006-543 A Resolution of the Governing Board of the South Florida Water Management District authorizing naming the Stormwater Treatment 3/4 Public Use Area, the Harold A. Campbell Public Use Area to commemorate the service of Harold A. Campbell to the South Florida Water Management District; providing an effective date.**

Cled Weldon, Department Director, Construction and Engineering, remembered Harold Campbell, Specialist Construction Representative, who passed away in an automobile accident on Monday, May 8, 2006.

A moment of silence was conducted in honor of Mr. Campbell.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 93

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

# Consent Agenda

## Water Resources

14. Right of Way Occupancy New Permits  
Right of Way Occupancy Permit Modifications
15. Water Use Permit Applications  
Surface Water Management Permit Applications (includes Conservation Easements)  
Environmental Resource Permit Applications (includes Conservation Easements) Denials  
Consent Agreements  
Power Plant Certifications  
Seminole Tribe Work Plans  
Page 5 No 6Â Â Gargiulo Farms (WU): **Postponed** to June Board  
Page 8 No 1Â Â McDaniel Ranch (ERP): **Postponed** to June Board  
Page 10 No 1 Community Palm Cove (ERP): **Postponed** to June Board  
Page 11 No 6Â Nychyk Brothers Farm (WU): **Postponed** to June Board  
Page 13 No 2Â Port Mayaca Yacht Club (ERP): **Postponed** to June Board  
Page 18 No 2Â City of St. Cloud Public Water Supply (WU): **Removed** from agenda.  
Page 20 No 1Â Boca Raton Airport (SWM): **Postponed** to June Board  
Page 24 No 1Â Delacruz Properties Retail Center (WU Denial): **Removed** from agenda  
Page 25 No 1Â Forest Lake Town Villas (ERP Denial): **Removed** from agenda  
Page 26 No 2Â Mission Enterprises (SWM Denial): **Removed** from agenda  
Page 26 No 3Â Rental Service Corporation (ERP Denial): **Removed** from agenda  
Page 32 No 1Â Fourth Amendment to the Seventeenth Annual Workplan (Seminole Tribe): **Postponed** to June BoardÂ Â Â Â Â Â Â Â Â Â Â Â Â Â Â Â Â Â
16. Authorize publication of Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapter 40E-4, F.A.C., to reference the Uniform Mitigation Assessment Method (UMAM) pursuant to Rule 62-345, F.A.C., for applications received on or after February 2, 2004 (Anita Bain, ext 6866)
17. Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to incorporate conservation easement and restrictive covenant forms and to incorporate conservation language for plats into the District's rules (Anita Bain, ext 6866)
18. **2006-500** A Resolution of the Governing Board of the South Florida Water Management District to accept conservation easements for mitigation banks permitted by the Florida Department of Environmental Protection to: 1) Florida Mitigation Bank, DEP Permit 492924779; 2) Bear Point Mitigation Bank, DEP Permit 0175246-001; 3) S. Dade Mitigation Bank Phase 1 (FPL), DEP Permit 132622449/132637449; and 4) S. Dade Mitigation Bank Phase 2 (FPL), DEP Permit 132622449 (Anita Bain, ext 6866)

19. **2006-501** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement with the Southwest Florida Water Management District to designate to the SWFWMD all regulatory responsibilities for environmental resource permits under Part IV of Chapter 373, F.S. for those activities by the Dunes at Nature's Edge, LLC which are associated with the Dunes at Nature's Edge Subdivision project located in Polk County (PR060356) (Ed Yaun, ext 7733)
20. **2006-502** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement with the Southwest Florida Water Management District to designate to the SFWMMD all regulatory responsibilities for environmental resource permits under Part IV of Chapter 373, F.S. for those activities by the Avatar Properties, Inc. which are associated with the construction of the Poinciana Parkway project located in Polk County (PR060357) (Ed Yaun, ext 7733)

### **CERP**

21. CERP PLANNING  
WAIVER OF COMPETITION  
**2006-503** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cooperative agreement with Florida International University, and authorize a waiver of competition as an exception to the general standards of competition, to study the relationship of salinity to pink shrimp habitats in the amount of \$385,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$45,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY09 budgets; providing an effective date. (Contract Number CP060610)
22. **2006-504** A Resolution of the Governing Board of the South Florida Water Management District approving staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and issuance of Non-Use Commitments; providing an effective date. (V. Rada, ext. 6836)
23. **2006-505** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Acquisition Agreement for the CERP Lake Okeechobee Watershed Project with Pomcor, Inc. for the acceptance of assignment of a contract to purchase an easement consisting of 7.37 +/- acres in Glades County, Florida, for an acquisition cost of \$178,000; and approve a budget transfer (CERP Ad Valorem) from Indian River Lagoon CERP Project to Lake Okeechobee Watershed CERP Project; providing an effective date. (T. Hanaway, ext. 6668)

**24. ACCELER8  
SPECIAL PROCUREMENT**

**2006-506** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an indefinite term Memorandum of Understanding with Florida Power & Light Co., as a special procurement, to memorialize FPL approval of the design for District construction of certain electrical distribution facilities at STA 6 and optional conveyance of ownership of the subject facilities to Florida Power & Light Co., in the amount of \$30,000 for FPL inspection services for which dedicated funds (Everglades Restoration Trust Fund) are budgeted; providing an effective date. (Contract Number OT060064)

- 27. 2006-509** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to take appropriate action in the casting of South Florida Water Management District landowner votes in the June, 2006 election for the Board of Supervisors of the Troup Indiantown Water Control District for the purpose of protecting the District's interests; providing an effective date. (R. Clements, ext. 6271)

- 29. 2006-511** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Amended Consent Final Judgment in the two cases titled, South Florida Water Management district vs. Palm Beach Aggregates, Inc., filed in the 15th Circuit Court for Palm Beach County, Florida, with respect to 1,220 acres of land, more or less, in Palm Beach County, Florida, for the C-51 and L-8 Reservoir CERP Project and authorize the General Counsel or her designee to execute the Amendment to the Consent Final Judgments; authorize entering into a Memorandum of Understanding with Florida Power & Light with respect to C-51 and L-8 Reservoir CERP Project Operations and Maintenance; providing an effective date. (R. Clements, ext. 6271)

- 30. 2006-512** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 15 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$775,000, and seller's attorney's fees in the amount of \$187,875 and all associated costs and approve a budget transfer from Kissimmee River Restoration Projects Land Acquisition ad valorem funds to Land Stewardship Program Support C-111 Canal Project (L-31 North Acquisition Area); approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (T. Hanaway, ext. 6668)

- 31. 2006-513** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 2053.60 acres, more or less, in the amount of \$12,500,000 from Save Our Everglades Trust Fund; and associated costs; for the Lake Okeechobee Watershed Project, in Highlands County, providing an effective date. (R. Clements, ext. 6271)

## **Executive Office**

32. **2006-514** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$360,000.00 for experts fees and costs and supplemental attorneys fees, for which dedicated funds (District Ad Valorem) are budgeted, for a condemnation action involving approximately 2,177.35 acres, (Clemons, Corona, and Fulford, et al.) within the designated boundaries of the Kissimmee River Restoration project styled Ramon M. Corona and Georgina F. Corona v. SFWMD; Otis P. Pete Clemons, Gene Fulford and Peggy Fulford v. SFWMD; Otis Jeffrey Clemons, Deborah Clemons, Todd Clemons and Tina Clemons v. SFWMD, filed in the 19th Circuit Court for Okeechobee County, Florida, Case Nos. 2000 CA 306, 2000 CA 310, and 2000 CA 311; providing an effective date. (Scott Glazier, x6267)
33. **2006-515** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-16043 with Tew Cardenas Rebak Kellogg Lehman DeMaria Tague Raymond & Levine, L.L.P. for Governing Board Counsel Services at no cost to the District to extend the term by 12 months through June 10, 2007; providing an effective date. (Contract Number C-16043-A02).
34. Authorize publication of the Notice of the Rule Development in the Florida Administrative Weekly (FAW) for amendments to FAC Chapters 40E-4 and 40E-41 to clarify requirements for providing compensating storage.

## **Corporate Resources**

36. SERVICE CENTERS  
LOCAL GOVERNMENTAL AGREEMENT  
**2006-517** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year cost share agreement with Lee County for construction of the Six Mile Cypress Interpretive Center in the total estimated amount of \$2 million, of which the District's total contribution is \$200,000, which is unbudgeted; and, authorize a budget transfer in the amount of \$150,000 dedicated funds (WMLTF) and \$50,000 ad valorem funds from Stormwater Management Division to the Lower West Coast Service Center: providing an effective date. (Contract Number OT061104)
37. **2006-518** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Sun Microsystems, Inc. for hardware maintenance, for the time period June 12, 2006 to September 30, 2007, in the amount of \$604,817 of which ad valorem funds in the amount of \$135,419 are budgeted in FY06 and the remaining \$469,398 is subject to Governing Board approval of the FY07 budget; providing an effective date. (Purchase Order PC P6XXXXX).

Project Sponsor: Steven Barrett



- 38. 2006-519** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Dell Marketing LP for hardware maintenance, for the time period June 12, 2006 to September 30, 2007, in the amount of \$300,000 for which ad valorem funds are budgeted in FY06; providing an effective date. (Purchase Order PC P6XXXXX).

Project Sponsor: Steven Barrett

- 39. 2006-520** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to P600257 with Radiant Systems, Inc. for an SAP Basis Administrator, and authorize a Waiver of Competition as an exception to the general standards of competition to extend the term by 12.5 months from June 19, 2006 to June 30, 2007, in the amount of \$270,000 of which \$75,000 of FY06 ad valorem funds will be provided by the Information Technology Department and replaced through a mid-year redirection of funds subject to Governing Board approval. The remaining \$195,000 is subject to Governing Board approval of the FY07 budget; providing an effective date. (Purchase Order PC P600257)

Project Sponsor: Mary Rickert

- 40. 2006-521** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to P600742 with Threshold Consulting Services for an SAP Basis Security Consultant, and authorize a Waiver of Competition as an exception to the general standards of competition to extend the term by 9.5 months from June 21, 2006 to March 31, 2007, in the amount of \$159,080 of which \$58,200 of FY06 ad valorem funds will be provided by the Information Technology Department and replaced through a mid-year redirection of funds subject to Governing Board approval. The remaining \$100,880 is subject to Governing Board approval of the FY07 budget; providing an effective date. (Purchase Order PC P600742)

Project Sponsor: Mary Rickert

- 41. 2006-522** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to P503178 with Threshold Consulting Services for an ABAP Programmer, and authorize a Waiver of Competition as an exception to the general standards of competition to extend the term by 11 months from August 1, 2006 to June 30, 2007, in the amount of \$201,600 of which \$37,800 of FY06 ad valorem funds will be provided by the Information Technology Department and replaced through a mid-year redirection of funds subject to Governing Board approval. The remaining \$163,800 is subject to Governing Board approval of the FY07 budget; providing an effective date. (Purchase Order PC P503178)

Project Sponsor: Mary Rickert

- 43. 2006-524** A Resolution of the Governing Board of the South Florida Water Management District to adopt the updated 10 year strategic plan of the District for the purpose of establishing priorities, goals, strategies and milestones; providing an effective date

Project Sponsor: David Gilpin-Hudson, ext. 6784

- 90. 2006-540** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District budget as shown on the attachment hereto; providing an effective date

Project Sponsor: Doug Bergstrom, ext. 6214

- 91. 2006-541** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment as a special procurement to P502970 with Radiant Systems, Inc. for SAP BW Programming Services and to extend the term by 9 months from August 1, 2006 to April 30, 2007, in the amount of \$187,200 of which \$43,200 of FY06 ad valorem funds will be provided by the Information Technology Department and replaced through a mid-year redirection of funds subject to Governing Board approval. The remaining \$144,000 is subject to Governing Board approval of the FY07 budget; providing an effective date. (Purchase Order PC P502970)

Project Sponsor: Mary Rickert

**44. Board Vote on Consent Agenda**

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43, 90, 91

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

Workshop Agenda

**Water Resources**

**45. St. Lucie County Presentations**

Welcome and Introduction -Lennart Lindahl

Mr. Lindahl introduced Henry Dean, former SFWMD Executive Director and Patrick Gleason and Michael Minton, former Governing Board members, who were in the audience. Mr. Lindahl recognized the elected officials who were also in the audience and welcomed them to the meeting.

Mr. Lindahl commended local representatives and said the Board shares their concerns, passions and commitment to the resources as well as their participation and partnership with the District. They are invaluable to the District in order to achieve the goals of the District.

Karen Smith, SFWMD Service Center Director, and staff from the Martin/St. Lucie Service Center were thanked for their efforts.

Local government representatives provided updates and comments regarding their local jurisdictions.

Stacy Raniera, Sustainable Treasure Coast, Inc., presented information on the Committee for a Sustainable Treasure Coast. She reported on why the Committee was formed.

Mr. Lindahl thanked the Committee and the Adams family for their hospitality.

Ernie Cox, Sustainable Treasure Coast, presented information on the Rural Lands Stewardship Program. Mr. Lindahl had questions on the incentive driven program. Mr. Cox provided additional information on this item.

Commissioner Christopher Craft, St. Lucie County, presented information on the Utility Consolidation update.

Don West, Director of Engineering, St. Lucie County, presented an update on the Taylor Creek Restoration.

Patrick Gleason, Vice President, CDM, provided information on the Regional Bio-Solids Management Facility.

Doug Bournique, Executive Director, Indian River Citrus League, provided information on the state of the citrus industry. Mr. Bournique reported on citrus greening which is a new citrus disease spreading very quickly. Mr. Bournique provided information on citrus canker.

Public Comment: Jim Murley, representing Florida Atlantic University (FAU), provided comment and thanked the Board for the financial support of the Committee for a Sustainable Treasure Coast. A report of the regional studies was provided to the Board.

**46. Red Tide Blooms on Florida's West Coast - *Billy Causey, Superintendent, Florida Keys National Marine Sanctuary (30P/15D)***

Billy Causey, Superintendent, Florida Keys National Marine Sanctuary, provided information on the Red Tide Blooms on Florida's West Coast.

Mr. Lindahl commended Mr. Causey on his presentation.

**47. Water Supply Plans Update (John Mulliken)**

This item was postponed.

48. Update on Lake Okeechobee & Estuary Recovery (LOER) Plan Implementation (Susan Gray)

This item was postponed.

#### **CERP**

49. **Acceler8 Update** - Tommy Strowd, Assistant Deputy Executive Director, CERP, Paul E. Dumars, Sr., Chief Financial Officer

This item was postponed.

#### **Executive Office**

50. Presentation of Herbert Hoover Dike Report - Les Bromwell, P.E., Sc.D., BCI Engineers and Scientists, Inc.

Mr. Bromwell presented information on the Herbert Hoover Dike Independent Technical Review. Mr. Bromwell reported on the Scope of Work.

Mr. Bromwell reported on the construction flaws on the original dike (based on Dam Safety Regulations). There was no selection of fill materials. There was no compaction to achieve suitable engineering properties. There was no seepage control through fill or foundation. The ditches on both sides of the dike exposed high porosity foundation materials.

Mr. Bromwell provided information on the early seepage problems and the seepage and Dike Stability.

Mr. Bromwell reported on the repair history of the dike, the hydrology and the hydraulics issues with the dike as well as possible hurricane erosion.

Mr. Bromwell reported on the current status of improvements to the Herbert Hoover Dike. Mr. Bromwell presented information on the eight different reaches.

Mr. Bromwell also provided recommendations for the repairs to the Herbert Hoover Dike. Mr. Bromwell said the likelihood that the dam may fail before effective repairs are completed is sufficiently high to warrant for preparing for failure in tandem with attempting to prevent it. He also reported that an Emergency Action Plan should be comprehensively reviewed and updated.

Mr. Lindahl had questions regarding levees and dams and their design standards. Mr. Bromwell provided additional information on the designs standards.

Col. Robert Carpenter, Commander of the U.S. Army Corps of Engineers, provided information about his educational background and his career with the United States Army. His mission is to provide public safety and improve the quality of life for all Floridians. He said he does not believe Mr. Bromwell's report represents the facts in a responsible way. He assured all that the Herbert Hoover Dike is not going to fail without some extraordinary natural event.

Col. Carpenter provided additional information on the report that was presented. He wanted to be clear on two items.

1. Public Safety is and will always be the highest priority of the United States Army.
2. There are significant problems with the Herbert Hoover Dike that require both agencies to work together to minimize the short-term problems and alleviate problems in the future.

Col. Carpenter then presented information on the Corps Strategy since 1986. He reported on the eight reaches. Col. Carpenter reported on Governor Jeb Bush's nine requests which were:

1. Lowering the lake level during hurricane season.
2. Remove power poles from the toe of the dike.
3. Inspections.
4. Having the materials, equipment, and personnel for emergency repairs.
5. Acceleration of repairs and rehabilitation.
6. Reevaluate design to provide adequate protection.
7. Engineering solutions for wave action, storm surges and seepage-related erosion.
8. Request Congressional Authorization to Improve Dam Standards.
9. Hurricane Response to State Department of Emergency Management.

Public Comment: Wayne Nelson, representing FADE Inc., provided comment on this item and the diagram of the 2005 Erosion Damages that was presented by the USACE.

Public Comment: Mayor Clarence Anthony representing the citizens of South Bay, FL provided comment on the Herbert Hoover Dike report. There are concerns from his citizens about the lake level and the dike.

Public Comment: Commissioner Michael DiTerlizzi representing Martin County, provided comment on this item. Martin County Commissioners voted to support the SFWMD Governing Board's efforts on this issue.

Public Comment: Mark Perry representing the Florida Oceanographic Society provided comment on this item. He believes we need to get Lake Okeechobee's water levels lowered.

Public Comment: Alex Larsen, Loxahatchee, FL, provided comment on this item. She opposes building a dam.

Public Comment: Rosa Durando, representing the Audubon Society, Lake Worth, provided comment on the Herbert Hoover Dike Report. Ms. Durando opposes building a dam.

Public Comment: Jamie Furgang, representing the Audubon Society of the Treasure Coast, provided comment on the Herbert Hoover Dike and the lake levels of the dike.

Mr. Collins commented on the Lake Okeechobee water levels and the 1999 report. Mr. Collins said the problem is funding. He said we need to work together with the USACE and expedite what is agreed upon.

Mr. Wade provided comment on the concerns of the citizens around the lake and what is the criteria on the evacuation process.

Mr. Wade believes staff need to work now with the professionals and the USACE, and coordinate a criteria for evacuation to be brought back to the Board next month.

Mr. Lindahl provided comment on the protection of the citizens. He spoke on his concerns about the dike. He commented on both reports presented on the Herbert Hoover Dike and the releases of the water from the lake. Mr. Lindahl believes we need to move ahead and recognize what staff need to do in order to achieve the level of safety to protect our citizens.

Ms. Bague expressed gratitude to Col. Carpenter. She is confident District staff and the USACE can work together and get the issues resolved.

Mr. Gutierrez commented that District staff and the USACE need to focus on determining what needs to be done and move forward.

Ms. Wehle provided the directions from the Board to staff:

1. Staff need to work with the Governor's office, our Congressional leaders and local partners to request from Congress an increase in funding for repairs to the Herbert Hoover Dike.
2. Staff are to provide technical assistance, where needed or when requested, by the USACE to look at different scenarios in breaches by June 1, 2006, so local governments can appropriately plan for their emergency evacuation scenarios.
3. Staff are to work with the USACE where there may be diversions and bring back a status report to the June Governing Board meeting.

**51. Overview of the 2006 Legislative Session - Ernie Barnett**

This item was postponed.

**Discussion Agenda**

**Water Resources**

**52. Approve Miami-Dade County Interim Consumptive Use Authorization and Agreement. (Scott Burns & Cecile Ross)**

Scott Burns, Director, Water Supply Policy Implementation, provided information regarding the Consumptive Use authorization and agreement with Miami Dade County.

Mr. Burns reported on the items needed to complete the permit application.

Mr. Collins commented on the reuse feasibility study.

John Renfrow, Director, Miami Dade Water and Sewer Department, provided information on funding and reuse in Miami Dade County.

Mr. Gutierrez reported on the necessity of reuse in Miami Dade County.

Motion made by Nicolás Gutiérrez, seconded by Irela Bagué to Approve the following item(s): 52

Vote called. Voting yes: Miya Burt-Stewart, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**53. CERP Coordination**

Approve Water Use Permit Renewal and Modification Application 040513-19 for the City of Homestead to meet the demands of the existing population with a 20-year duration and a modification to increase the allocation to meet the projected demands with a 5-year duration (Miami-Dade) (Keith Smith, ext 6620)

Keith Smith, Deputy Director, Water Supply Department, provided information on this item.

Motion made by Nicolás Gutiérrez, seconded by Lennart Lindahl to Approve the following item(s): 53

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty, Harkley Thornton, Malcolm Wade. Not present: Michael Collins. Motion passed.

**54. CERP Coordination**

Approve Environmental Resource Permit Application 040609-6 for construction and operation of a 433.4-acre ranchette development known as the Highland Trails (Martin County) (Anita Bain, ext 6866) (Beth Kacvinsky, ext 6632)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Motion made by Lennart Lindahl, seconded by Malcolm Wade to Approve the following item(s): 54

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Not present: Michael Collins. Motion passed.

**55. CERP Coordination**

Approve Environmental Resource Permit Application 051031-26 for construction and operation of a 72.62-acre single-family residential development known as Carriage Pointe (St. Lucie County) (Anita Bain, ext 6866) (Beth Kacvinsky, ext 6632)

Robert Brown, Director, Environmental Resource Regulation Department, provided information on this item.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 55

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**56. CERP Coordination**

Approve Environmental Resource Permit Application 050912-6 for conceptual approval of a 27.22-acre multi-family residential development known as Mariner Cove (St. Lucie County) (John Meyer, ext 6773) (Beth Kacvinsky, ext 6632)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 56

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**57. CERP Coordination**

Approve Environmental Resource Permit Application 060315-17 for the construction and operation of a surface water management system serving a 173 acre nursery known as Manuel Diaz Farm (Miami-Dade County) (Anthony Waterhouse, ext 6867) (Matthew Morrison, ext 2758)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 57

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**58. CERP Coordination**

Approve Surface Water Management Permit Modification Application 051130-12 for the construction and operation of a surface water management system serving a 4.20-acre governmental facility known as Weston Public Works Facility (Broward County) (Anthony Waterhouse, ext 6867) (Mike Hind, ext 4033)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 58

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**59. 2006-525 A Resolution of the Governing Board of the South Florida Water Management District entering into a Memorandum of Understanding between the State of Florida Department of Agriculture and Consumer Services (FDACS), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) for the purpose of encouraging the voluntary creation/restoration of wetlands on agricultural lands within the Lake Okeechobee Watershed area and a portion of the Indian River Watershed (PR060350) (Robert Brown, ext 6283 5P/5D)**

Robert Brown, Director, Environmental Resource Regulation Department, provided information on this item.

Benita Whalen, Director, Okeechobee Service Center, provided additional information on this item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 59

Vote called. Voting yes: Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Not present: Irela Bagué. Motion passed.

**CERP**



- 62. 2006-528** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 1,282.61 acres, more or less, in the amount of \$37,836,995.00 from Save Our Everglades Trust Fund; and associated costs; for the CERP Northern Palm Beach County Project - Part One in Martin County; providing an effective date. (R. Clements, ext. 6271)

Ruth Clements, Director, Land Acquisition, provided information on this item.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 62

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 63. 2006-529** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Revenue Agreement with Martin County that provides for Martin County to contribute approximately \$8,827,507.00 to the acquisition of the CERP Northern Palm Beach County - Part One Project located in Martin County; providing an effective date. (R. Clements, ext. 6271)

Ms. Clements provided information on this item.

Commissioner Diterlizzi, Martin County, presented the District a check in the amount \$8,827,507.00.

Public Comment: Kim Love representing the Florida Communities Trust in Tallahassee, provided comment on this item.

Motion made by Nicolás Gutiérrez, seconded by Irela Bagué to Approve the following item(s): 63

Vote called. Voting yes: Miya Burt-Stewart, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 64. 2006-530** A Resolution of the Governing Board of the South Florida Water Management District approving the construction schedule for the C-43 West Storage Reservoir Project; approving termination of the Berry Groves lease; determining that use of land for exchanges in connection with implementation of the Project is a restudy related purpose, and authorizing staff to pursue all legal remedies to ensure that the Project is implemented on schedule; providing an effective date. (J. Dunnuck, ext. 6016)

John Dunnuck, Director, Land Management and Operations, provided information on the Berry Groves Lease.

Public Comment: Jim Cloughley representing J&H Groves provided comment on this item. He objects to the proposed resolution.

Mr. Dunnuck said he would give consideration after a 30, 60, or 90-percent design to doing an extension or a license agreement.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 64

Vote called. Voting yes: Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez. Abstained: Malcolm Wade. Not present: Irela Bagué, Harkley Thornton. Motion passed.

- 94. 2006-544** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 1,282.61 acres, more or less, for the CERP Northern Palm Beach County - Part One Project, in Martin County, in the amount of \$37,836,995.00, and associated costs; for which \$12,612,331.66 in dedicated funds (Save Our Everglades Trust Fund) are available in FY06, subject to a Budget Amendment and the remainder is subject to Governing Board approval of the FY07 and FY08 Budgets; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (R. Clements, ext. 6271)

Ms. Clements presented information on this item.

Public Comment: Marge Ketter, Jupiter, FL, provided comment on this item. Ms. Ketter supports the purchase of this land.

Public Comment: Dan Shalloway representing Pal Mar Water Control District, provided comment on this item.

Public Comment: Raymond Reyce representing Indiantown Realty Partners, provided comment on this item.

Public Comment: Paul Thomas representing Ranch Colony Neighbors provided comment on this item.

Public Comment: Patrick Hayes representing Martin County Soil and Water Conservation District provided comment on this item.

Public Comment: Andrew Baumann representing Palm Beach Heights Landowners Coalition, provided comment on this item.

Public Comment: Paul Millar representing Friends of the Loxahatchee provided comment on this item.

Public Comment: Martha Musgrove, West Palm Beach, FL, provided comment on this item.

Ms. Clements provided additional information on this item.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 94

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Michael Collins, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 95. 2006-545** A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 1,282.61 acres, more or less, in the amount of \$37,836,995.00 from Save Our Everglades Trust Fund; and associated costs; for the CERP Northern Palm Beach County Project - Part One in Martin County; providing an effective date. (R. Clements, ext. 6271)

Ms. Clements provided information on this item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 95

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

## **Executive Office**

### **96. 2006-546**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVING TRAVEL REIMBURSEMENT RATES FOR THE DISTRICT; PROVIDING AN EFFECTIVE DATE

### **97. 2006-547**

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE HERBERT HOOVER DIKE AS A DAM AND PROVIDE FUNDING FOR NECESSARY WORK THROUGH EXPEDITIOUS ENACTMENT OF THE WATER RESOURCES DEVELOPMENT ACT OR SOME OTHER MECHANISM; REQUESTING LOCAL GOVERNMENTS TO ENACT RESOLUTIONS SUPPORTING THESE REQUESTS; REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS TO UNDERTAKE ADDITIONAL MEASURES IN RESPONSE TO CONCERNS ABOUT THE STRUCTURAL INTEGRITY OF THE HERBERT HOOVER DIKE; REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS TO PROMPTLY NOTIFY ALL LOCAL GOVERNMENTS ALONG THE PERIMETER OF LAKE OKEECHOBEE OF ANY AND ALL SEEPS IN THE HERBERT HOOVER DIKE; PROVIDING AN EFFECTIVE DATE

This item was postponed.

### **98. Discussion and potential direction regarding Construction Management @ Risk contract for EAA Reservoir Project**

Mr. Thornton made a motion to recommend the Board vote to delegate authority to the Chairman on this item.

Mr. Thornton said if Office of Counsel can get a signed manuscript, without any changes to the terms and conditions by 2:00 pm on Thursday, May 11, 2006, then the Chairman can accept it. If not, the Chairman can make the decision to go to the second choice.

Motion made by Mike Collins, seconded by Nic Gutierrez to delegate authority to Chairman McCarty regarding the Construction Management @Risk contract. Vote called. Voting Yes: Kevin McCarty, Irela Bague, Alice Carlson, Len Lindahl, Harkley Thornton, Malcolm Wade, Miya Burt-Stewart. Motion passed.

## **Operations and Maintenance**

### **65. ENGINEERING AND CONSTRUCTION INTERAGENCY AGREEMENT**

**2006-531** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day Cooperative Agreement with the Natural Resources Conservation Service of the U.S. Department of Agriculture for canal bank repairs damaged by hurricane Wilma in an amount not to exceed \$2,160,000, as reimbursement to the District, of which \$400,000 in ad valorem funds are budgeted and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number IA060726)

No presentation was provided.

Motion made by Lennart Lindahl, seconded by Michael Collins to Approve the following item(s): 65

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**66. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-532** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with MACTEC Engineering & Consulting for General Surveying Services as a Special Procurement in conjunction with the Florida Department of Environmental Protection Statewide Surveying and Mapping Services Contract PL044, in an amount not-to-exceed \$1,500,000 of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060738)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 66

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**67. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-533** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with Nick Miller Inc. for General Surveying Services as a Special Procurement in conjunction with the Florida Department of Environmental Protection Statewide Surveying and Mapping Services Contract PL050, in an amount not-to-exceed \$1,500,000 of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060739)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 67

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**68. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-534** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with Pickett & Associates, Inc. for General Surveying Services as a Special Procurement in conjunction with the Florida Department of Environmental Protection Statewide Surveying and Mapping Services Contract PL049, in an amount not-to-exceed \$1,500,000 of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060740)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 68

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**69. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-535** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with WilsonMiller, Inc. for General Surveying Services as a Special Procurement in conjunction with the Florida Department of Environmental Protection Statewide Surveying and Mapping Services Contract PL057, in an amount not-to-exceed \$1,500,000 of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060741)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 69

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**70. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-536** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with Southeastern Surveying & Mapping Corporation for General Surveying Services as a Special Procurement in conjunction with the Florida Department of Environmental Protection Statewide Surveying and Mapping Services Contract PL053, in an amount not-to-exceed \$1,500,000 of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060742)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 70

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**71. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-537** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with GCY, Inc. for General Surveying Services as a Special Procurement in conjunction with the Florida Department of Environmental Protection Statewide Surveying and Mapping Services Contract PL041, in an amount not-to-exceed \$1,500,000 of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060743)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 71

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**73. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-539** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with Wantman Group, Inc., as a Special Procurement in conjunction with the Florida Department of Transportation Unlimited Prequalified Consultants Design, Right of Way and Construction Survey Contract, in an amount not-to-exceed \$1,500,000, of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060745)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 73

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**72. ENGINEERING AND CONSTRUCTION  
SPECIAL PROCUREMENT**

**2006-538** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order contract with a 1 year renewal option with Woolpert, Inc. as a Special Procurement in conjunction with the Florida Department of Transportation Unlimited Prequalified Consultants Design, Right of Way and Construction Survey Contract in an amount not-to-exceed \$1,500,000, of which ad valorem and dedicated funds in the amount of \$167,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budget(s); providing an effective date. (Contract Number CN060744)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 72

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

**74. Public Comment**

There was no public comment provided.

**Committees and Commissions of the Board**

**75. Water Resource Advisory Commission Update - Michael Collins, Chair**

Mr. Collins provided information on the activities of WRAC.

**Staff Reports**

**76. Water Conditions Report - Bob Howard P.E.**

This item was withdrawn. Staff will provide a written report to the Governing Board.

**77. Lake Okeechobee Conditions Report - Susan Gray**

This item was withdrawn. Staff will provide a written report to the Governing Board.

**78. Office of Policy and Legislation Update - Ernie Barnett**

This item was withdrawn. Staff will provide a written report to the Governing Board.

**79. Calendar Update - Jacki McGorty**

This item was withdrawn. Staff will provide a written report to the Governing Board.

**80. General Counsel Report - Sheryl Wood**

This item was withdrawn. Staff will provide a written report to the Governing Board.

**81. Executive Director's Report - Carol Wehle**

This item was withdrawn.

**82. Board Comment**

Mr. Wade presented Ms Carlson with a photo.

Mr. Lindahl spoke about the ACME permit. Clarification will be given next month.

Mr. Lindahl thanked Karen Smith and staff for their help with the Governing Board meeting in Ft. Pierce.

Ms. Carlson thanked Mr. Wade for the photo.

**Public Hearing**

**CERP**

**83. Adopt Amendments to Chapter 40E-7, Part V, Florida Administrative Code, pertaining to Public Access to and Recreational Use of South Florida Water Management District lands. (J. Dunnuck, ext. 6016)**

Chair McCarty opened the Public Hearing.

Presentation done by John Dunnuck.

Chair McCarty closed the public Hearing.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 83

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 84.** Adopt Amendments to Chapter 40E-6, Florida Administrative Code, pertaining to Recreational and Passive Use of South Florida Water Management District Rights of Way. (J. Dunnuck, ext. 6016)

Chair McCarty opened the Public Hearing.

Presentation done by John Dunnuck.

Chair McCarty closed the public Hearing.

Motion made by Lennart Lindahl, seconded by Michael Collins to Approve the following item(s): 84

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

### **Corporate Resources**

- 85.** Adopt new rule 40E-7, Part VI, F.A.C., pertaining to the District's Small Business Enterprise Program (SBE).  
Project Sponsor: Frank Hayden, ext. 6043

Chair McCarty opened the Public Hearing.

Presentation done by Frank Hayden.

Mr. Gutierrez had questions regarding RFPs. Mr. Hayden provided additional information regarding this issue.

Public Comment: Dana Gillette representing FICE, provided comment on this item. She supports the SBE program.

Ms. Burt-Stewart had questions regarding the SBE program. Mr. Hayden provided additional information on this item.

Mr. Lindahl provided comment on the FICE example. Mr. Lindahl also provided comment on the bid equalization. Mr. Hayden provided additional information. Mr. Lindahl provided comment on the point spread of the award.

Mr. Hayden provided additional information and said he will report back to the Board the data regarding the point spread.

Chair McCarty closed the Public Hearing.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 85

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

### **Closed Door Agenda**

### **Executive Office**



86. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel

**Action Items (if any) Stemming from Closed Sessions**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel

Vice Chair Bague adjourned the meeting to closed door session at 1:05 pm. Meeting was reconvened at 2:05 pm.

Sheryl Wood, General Counsel, read into the record "The attorney-client closed session has concluded. The Governing Board meeting is now resumed. In the closed door session we discussed strategy related to litigation expenditures in United States of America vs. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno, agenda item number 86. Based upon discussion during the closed door session, no action be taken by the Governing Board".

88. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel

**Action Items (if any) Stemming from Closed Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel

**Adjournment**

**89. Adjourn**

Chair McCarty adjourned the meeting at 4:15 pm.